

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANCIS P. LAGANELLA,
Plaintiff

v.

CORPORAL TERRY WEALAND,
Defendant

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No. 1:16-cv-518

(Judge Kane)
(Magistrate Judge Saporito)

ORDER

Before the Court in the above-captioned case is the December 9, 2016 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 21.) No timely objections have been filed. **ACCORDINGLY**, on this 29th day of December 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 21), of Magistrate Judge Saporito;
2. Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 15), is **GRANTED**;
3. Plaintiff's complaint (Doc. No. 1), is **DISMISSED WITH PREJUDICE** as further leave to amend would be futile;
4. Plaintiff's motion to appoint counsel (Doc. No. 18), is **DENIED AS MOOT**; and
5. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania